

Please add the following claims:

9. (New) A method for producing a nucleoside 5'-phosphate ester comprising, culturing the isolated bacterium of Claim 4 in a medium to produce and accumulate the nucleoside 5'-phosphate ester in the medium; and collecting the nucleoside 5'-phosphate ester from the medium.

10. (New) A method for producing a nucleoside 5'-phosphate ester comprising, culturing the isolated bacterium of Claim 5 in a medium to produce and accumulate the nucleoside 5'-phosphate ester in the medium; and collecting the nucleoside 5'-phosphate ester from the medium.

REMARKS

Claims 4-5 and 9-10 are active in this application. Support for the amendment to Claim 4 is found in the specification on page 11, lines 10-18. Support for Claims 9 and 10 is found in Claims 1 and 2. No new matter is added by these amendments.

Applicants affirm the election of Group II, Claims 4 and 5. In addition, Applicants request rejoinder of the method claims, Claims 9 and 10, which are dependent on the elected product claims (see MPEP §821.04).

The rejection of Claims 4 and 5 under 35 U.S.C. § 112, second paragraph is respectfully traversed.

The terms "ushA gene" and "aphA gene" have a well-defined and established meaning as evidenced by the description of those sequences in the prior art as discussed on page 6, lines 18-20 and page 7, lines 16-22. In addition, the prior art of record, Thaller and Cowman, support that these two terms have a well-established meaning in the art, as well as the